

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARTESYN NORTH AMERICA, INC.,

Plaintiff,

vs.

GALAXY POWER, INC.,

Defendant.

Case No.: 04-10727-PBS

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Plaintiff Artesyn North America, Inc., (“Artesyn”) and Defendant Galaxy Power, Inc., by and through their undersigned counsel, hereby file this Joint Statement Pursuant to Local Rule 16.1(D).

I. Agenda of Matters Discussed at the Scheduling Conference

- A. Entry of a Protective Order
- B. Pre-Trial Schedule and Discovery Matters
- C. Settlement

II. Discovery Plan and Proposed Schedule

A. Initial Disclosures. Galaxy has provided its Initial Disclosure Statement pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule 26.2(A). Artesyn has provided certain information to Galaxy to facilitate an understanding of Artesyn’s claims and will provide its Initial Disclosure Statement by the date of the scheduling conference.

B. Amount of Discovery. The parties jointly propose the following limitations on discovery events, with the understanding that discovery events exceeding the number listed may be undertaken only by agreement of the parties or, in the absence of such agreement, by leave of court.

1. Depositions:

a. Non-Expert Depositions: Five (5) fact depositions for each side.

b. Expert Depositions: Each designated expert may be deposed

2. Interrogatories: Maximum of thirty (30) interrogatories for each side.

3. Requests for Admission: Twenty-five (25) requests for admission for each side, excluding requests to authenticate documents.

4. Document Requests: Two (2) sets for each side.

C. Proposed Schedule

The parties propose the schedule set forth in the chart below for discovery and dispositive motions.

EVENT	PROPOSED DATES
Motions to amend the pleadings	October 31, 2004
Fact discovery closes	January 31, 2005
Experts identified and exchange of each parties' expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) on those issues on which a party bears the burden of proof	March 1, 2005
Rebuttal experts identified and exchange of rebuttal expert reports	April 1, 2005

Expert discovery closes	May 1, 2005
Dispositive motions filed by	June 1, 2005
Oppositions to any dispositive motions filed by	July 1, 2005
Replies to any oppositions to dispositive motions by	July 15, 2005

III. Certifications Pursuant to Local Rule 16.1(D)(3)

- A. Plaintiff's certification is attached hereto as Exhibit A.
- B. Defendant's certification is attached hereby as Exhibit B.

IV. Trial by Magistrate Judge

The parties do not consent to trial by a Magistrate Judge at this time.

V. Settlement

The parties have discussed settlement in general terms, but no settlement has been achieved. The parties are continuing to explore settlement. Plaintiff will present a written settlement proposal to the defendant in advance of the scheduling conference.

Respectfully submitted,
ARTESYN NORTH AMERICA, INC.

By its attorneys,
KIRKPATRICK & LOCKHART LLP

/s/ Thomas F. Holt, Jr.

Thomas F. Holt, Jr.
BBO# 238,830
Tara C. Clancy
BBO# 567020
75 State Street
Boston, MA 02109
(617) 261-3100

Of Counsel:

David R. Cohen, Esq.
Pa. I.D. #39540
Patrick J. McElhinny, Esq.
Pa. I.D. #53510
Mark G. Knedeisen, Esq.
Pa. I.D. #82489

KIRKPATRICK & LOCKHART LLP
535 Smithfield Street
Pittsburgh, PA 15222
(412) 355-6500

Dated: July 16, 2004

Respectfully submitted,
GALAXY POWER, INC.

By its attorneys,
BOWDITCH & DEWEY, LLP

/s/ Louis M. Ciavarra

Louis M. Ciavarra
BBO#546481
311 Main Street
P.O. Box 15156
Worcester, MA 01601-0156
(508) 926-3408

Dated: July 16, 2004

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ARTESYN NORTH AMERICA, INC.,

Plaintiff,

VS.

GALAXY POWER, INC.,

Defendant.

Case No.: 04-10727-PBS

RULE 16.1(D)(3) CERTIFICATION

Plaintiff, ARTESYN NORTH AMERICA, INC., and counsel for ARTESYN NORTH AMERICA, INC. certify that they have conferred: (1) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

KIRKPATRICK & LOCKHART LLP

Thomas F. Holt, Jr.
BBO# 238,830
Tara C. Clancy
BBO# 567020
75 State Street
Boston, MA 02109
(617) 261-3100

Of Counsel:

David R. Cohen, Esq.
Pa. I.D. #39540
Patrick J. McElhinny, Esq.
Pa. I.D. #53510
Mark G. Knedeisen, Esq.
Pa. I.D. #82489

KIRKPATRICK & LOCKHART LLP
535 Smithfield Street
Pittsburgh, PA 15222
(412) 355-6500

Dated: July 15, 2004

ARTESYN NORTH AMERICA, INC.
By: David Libow

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ARTESYN NORTH AMERICA, INC.,)
)
)
Plaintiff,)
)
vs.) Case No.: 04-10727-PBS
)
GALAXY POWER, INC.,)
)
Defendant.)

RULE 16.1(D)(3) CERTIFICATION

Defendant, GALAXY POWER, INC., and counsel for GALAXY POWER, INC. certify that they have conferred: (1) with a view to establishing a budget for the costs of conducting the full course -- and various alternative courses -- of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

BOWDITCH & DEWEY, LLP

Louis M. Ciavarra
BBO#546481
311 Main Street
P.O. Box 15156
Worcester, MA 01601-0156
(508) 926-3408

GALAXY POWER, INC.

By: _____